

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Michael D. Lenoir,**

**Petitioner,**

**v.**

**Case No. 2:11-cv-0342**

**Warden, Richland Correctional  
Institution,**

**JUDGE PETER C. ECONOMUS  
Magistrate Judge Kemp**

**Respondent.**

**OPINION AND ORDER**

This habeas corpus action was dismissed on March 1, 2012. On April 5, 2012, the Court denied petitioner's request for a certificate of appealability. On April 17, 2012, the Court received a notice of appeal, which, according to the certificate of service, was placed in petitioner's institutional mailbox on March 23, 2012. Assuming the notice of appeal to be timely, the Court notes that petitioner has not paid a filing fee for his appeal or submitted a motion for leave to proceed *in forma pauperis*. However, if petitioner were to establish his financial inability to pay the filing fee, the Court would, for the same reasons set forth in the order denying a certificate of appealability, certify that any appeal is not taken in good faith. *See* 28 U.S.C. §1915(a)(3). The Court so certifies.

**IT IS SO ORDERED.**

/s/ Peter C. Economus

**PETER C. ECONOMUS  
UNITED STATES DISTRICT JUDGE**